

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WYATT CAMERON MONTCLAIR

Defendant.

CR-15-21-GF-BMM-JTJ

CR-14-84-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on February 6, 2019. (Doc 84.) The United States accused Wyatt Cameron Montclair of violating his supervised release by: (1) using marijuana; (2) consuming alcohol; and (3) failing to make restitution payments. (Doc. 27 at 2-3.)

Judge Johnston entered Findings and Recommendations in this matter on October 18, 2018. (Docs 34 & 88.) Montclair waived his right to object to Judge Johnston's Findings and Recommendations. (Docs. 34 at 4, 88 at 4.) When a party

makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commadore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of Montclair's supervised release. Judge Johnston has recommended that the Court revoke Montclair's supervised release and commit Montclair to the custody of the Bureau of Prisons for a term of time served, with 33 months of supervised release to follow in CR-15-21-GF-BMM, and CR-14-85-GF-BMM, with both sentences to run concurrently.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Montclair's violations of his conditions represent a serious breach of the Court's trust. A sentence of time served, followed by 33 months of supervised release in CR-15-21-GF-BMM, and CR-14-85-GF-BMM, with both sentences to run concurrently, represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Docs. 34 and 88) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Wyatt Cameron Montclair be sentenced to custody for time served, followed by 33 months of supervised release.

DATED this 19th day of February, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath the name.

Brian Morris
United States District Court Judge